KATIVIK

NUNAVIK LANDHOLDING CORPORATIONS ASSOCIATION

Guide for Construction in Nunavik

2nd Edition (2005)

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CORPORATIONS ASSOCIATION

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2nd Edition (2005)

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1 Objectives of this Guide

Communities in Nunavik are developing at increasing rates. There are more and more project proponents and construction companies operating in the North, yet the rules and regulations are not well known or well respected. The absence of documented standard procedures has been creating unnecessary conflicts between communities, who would like to see their by-laws and construction rules respected, and project proponents or construction companies, who consider they are not adequately informed of the procedures to follow and the authorizations required.

This guide aims to:

- establish and document a standardized procedure to be followed for all construction projects in Nunavik;
- ensure that all concerned parties are well informed of construction projects in their community;
- ensure that all rules and regulations (by-laws, ordinances, authorization to occupy Category I lands, etc.) are respected.

More specifically, the guide provides an overview of the procedures that must be followed when developing any construction project in the Nunavik region. It explains what authorizations are required and from whom they must be obtained.

It is the proponent's and contractor's responsibility to make sure they have all the appropriate authorizations. It is the Northern Village's and the Landholding Corporation's responsibility to ensure that the requirements and conditions of the authorizations are respected.

The different steps to follow are specified for each category of land and the contents of this guide apply to the whole Nunavik region. All contact information is provided in Section 5 of this handbook.

PLEASE NOTE: The information contained in this booklet serves as a *general guide* and is subject to changes. It should not be used as a substitute for by-laws, rules and regulations in effect.

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2 Groups and Individuals Concerned

This guide is made available for all organizations or individuals planning to construct in the Nunavik region. More specifically, it aims to assist:

- Municipal corporations (NV)
- Local Landholding Corporations (LHC)
- Project proponents
- Construction companies
- Land surveyors
- Anybody else concerned by construction projects

This guide is made available in its English, French and Inuttitut version on the KRG Website (www.krg.ca or http://geoportal.krg.ca) as well as the Nunavik Landholding Corporations Association's Website (TBA). Paper copies of the guide can be obtained by contacting the land use planner at KRG or the coordinator for the Nunavik Landholding Corporations Association.

3 Type of Construction Work Targeted

This guide specifies the procedures that must be followed as well as the authorizations required for all construction projects in the region, such as:

- construction of new infrastructures or buildings
- major renovations of buildings or infrastructures
- demolition – reconstruction of buildings
- relocation of buildings/structures to a new site
- any filling or removal of natural material
- mining exploration camps
- outfitting camps
- civil engineering projects

This guide provides an overview of all the authorizations required but if you are not sure which ones are mandatory, contact the local Northern Village (municipal office), the concerned Landholding Corporation, or the KRG Land Use Planner to get more information.

4 Procedures and Authorizations

4.1 How to obtain authorization for construction projects

The procedure and the authorizations required differ slightly depending on what category of land the project is to be developed. In all cases however, obtaining the proper authorizations takes time so **project proponents** should submit applications as soon as possible and allow a minimum of 90 days before starting any work. In cases of major projects, more time may be required to review the proposal.

Please note, for environmental and public safety considerations, throughout the course of any development project, it is the responsibility of the **contractor** to ensure the construction site and camp are kept clean and free of any debris or other safety hazards. It is recommended to contact the local NV since most of them own camp facilities. Furthermore, authorization must be obtained from the municipal office and landholding corporation before leaving any equipment or materials behind in the community at the end of the construction.

Please note that fees may be levied by the Landholding Corporations for storage of equipment in the community. In addition, where relevant by-laws are in effect, the NV may charge fees for leaving equipment or construction material in the waste disposal site and penalties could apply if certain municipal regulations are not obeyed (such regulations include sorting out the material or leaving the waste in a specified area at the waste disposal site, etc.). **Contractors** should refer to their contract to know if such penalties are applicable.

4.1.1 Construction in Category I Lands

For all projects carried out within municipal boundaries or Category I Lands, both the Landholding Corporation *and* the local municipal council must approve of the project and give their respective formal authorizations. The procedure is as follows:

Step1: Project proposal

The **proponent** must submit a request to the NV and the LHC at least 90 days prior to beginning work for the development of a project (see attached forms in the appendices to this guide for information required and applicable administration fees).

Step 2: Review of project proposal

The project is reviewed by both the NV and the LHC to verify whether the project complies with the community master plan, zoning by-law as well as any other relevant municipal by-law in addition to meeting the community's general objectives of development.

The allocation of a piece of land is authorized by the Landholding Corporation. For the **proponents**, it is recommended to keep the NV and the LHC well informed during the design process to avoid unanticipated problems during the construction phase.

Step 3: Decision on proposal

The NV and LHC submit their decision in writing to the applicant.

If the **project complies**, the NV issues out a Development Permit and the LHC adopts a resolution confirming their authorization for the project. A land lease should subsequently be entered into between the **proponent** and the LHC. Please note that both the Development Permit and the LHC resolution are necessary to begin construction.

If the **project does not comply**, the proponent modifies the project to make it conform or abandons the project.

Step 4: Approval of project

Once the project has been approved, the **project proponent** has the responsibility to inform the **contractor** who will be awarded the contract to enter into a Memorandum of Understanding (MOU) with the Landholding Corporation for the whole duration of the project as well as to authorize use of quarry and gravel pits for the completion of said project. Those two (2) authorizations imply the payment of compensations.

It is then the **contractor**'s responsibility to contact the NV and the LHC to make arrangements for the following aspects:

- NV to discuss what municipal services will be required during the construction period and what services the NV can offer, including human resources as well as the availability of heavy machinery equipment throughout the construction period and the applicable rental rates.
- LHC to enter into a Memorandum of Understanding for occupation and use of land during the whole duration of the project and to obtain the rights for natural material (gravel and mineral). Please note that certain fees are applicable for occupation and use of Category I lands, with different scales for construction or non-construction seasons, as are compensation fees for the extraction of natural material. Following the signature of said MOU, the Landholding Corporation forwards a contract denunciation to the concerned proponent.

Step 5: Land survey

A land survey plan is mandatory and must be completed by a land surveyor who is a member of the Ordre des arpenteurs-géomètres du Québec. The survey plan must be filed at the Clerk's Office of the Surveyor General of Québec. Once the plan has been filed, the Office of the Surveyor General of Québec (Bureau de l'arpenteur général du Québec) will send a certified copy of the plan to the KRG Land Use Planner and to the concerned LHC.

The land surveyor for the project must ask the Office of the Surveyor General of Québec for specific surveying instructions, at least 30 days before carrying out the work on site. More information on this subject is found in Appendix 1.

Additional requirements:

In addition, the **proponent** must ensure that the **contractor** remove from Category I lands, at the end of the contract, all supplies, articles, equipment, materials, effects or any other item brought for the performance of the development project.

In some communities, certain areas may have unstable ground which is not suitable for

construction. Please note that soil studies are the responsibility of the **proponent**.

Furthermore, some development projects may be subject to the Environmental Impact Assessment provided for in section 23 of the *James Bay and Northern Agreement*. Recommendation is given to the **proponent** to verify such application with Makivik Corporation and/or the *Environmental Quality Commission* (EQC), the body responsible for all environmental and social impact assessment processes within Nunavik.

4.1.2 Construction in Puvirnituq and Ivujivik

For construction projects in the Northern Villages of Puvirnituq and Ivujivik, where there is no local Landholding Corporation, the project proponent must obtain a development permit from the NV and get a land lease from Natural Resources Québec. The procedure to obtain a development permit and the specific surveying instructions are the same as those in *Section 4.1.1*.

4.1.3 Construction in Category II Lands

For construction projects in Category II lands, authorizations are required from:

- the LHC to ensure that the project does not infringe on harvesting rights
- KRG for a certificate of authorization that stipulates that the project does not contravene the Regional Master Plan or any relevant by-law or ordinance adopted by the KRG Council. Please contact the Land Use Planner at the KRG.
- Natural Resources and wildlife Québec (Ministère des Ressources naturelles et de la Faune du Québec) for a land lease
- Environment Québec (Ministère de l'Environnement du Québec) for a certificate of authorization for the treatment of drinking water, waste water and waste disposal
- the Office of the Surveyor General of Québec (Bureau de l'arpenteur général du Québec) for specific surveying instructions.

4.1.4 Construction in Category III Lands

The authorizations required for construction in Category III lands are the same as for construction in Category II lands (see Section 4.1.3), with the exception that no formal authorization is required from the LHC.

4.2 How to obtain natural construction material

For most construction projects, gravel or other mineral material is necessary. Authorization must be obtained from various organizations identified hereafter before taking any such material and compensation fees are applicable.

4.2.1 Quarries and borrow pits in Category I Lands

Most communities have quarries and/or borrow pits in operation. The NV may already provide services to extract, crush, screen and deliver the material. The **project proponent** or **construction company** must contact the local Landholding Corporation and Municipal office to get more information on the services available and fees applicable. The LHC is entitled to compensation rights for the use and extraction of any granular material by virtue of the *James Bay and Northern Québec Agreement*. It is responsible for keeping reports of material extracted or taken from the quarry (see Appendix D for a sample of these reports). This information can be transmitted by the NV who is responsible for carrying the material. These reports must be signed by the **contractor**, the NV and the LHC.

The **proponent** or **contractor** may also choose to open a new site to extract material. Formal authorizations are required, prior to extraction activities, from:

- NV: a permit stipulating that the work does not contravene any municipal by-law
- LHC: rights to obtain and extract gravel and mineral
- Environment Québec: certificate of authorization for the operation of a quarry or borrow pit

In all cases, it is the contractor's responsibility to ensure that the site is cleaned and leveled at the end of the construction period.

4.2.2 Extracting material in Category II or III lands

To extract natural material in Category II or III lands, authorizations must be obtained from:

- Environment Québec: certificate of authorization
- KRG: certificate of authorization
- MRN: land claims / PEM
- Natural Resources and Wildlife Québec (Ministère des Ressources naturelles et de la Faune du Québec) for a land lease

See Section 5 for all contact information

4.3 Other considerations

4.3.1 Electricity and telephone lines

For constructions projects that need to be linked up to existing phone and hydro-electricity networks, the proponent or contractor must contact Hydro-Québec and Bell to specify the exact location of the new construction as well as the precise dates when the connections are needed.

Please be advised that certain rates may be charged to the applicant (project proponent or private homeowner) if the construction is located outside the existing networks and in an area other than the one designated by the NV in the community Master Plan / Zoning Plan as the sector for future development. As well, if the building is set back at a distance requiring new poles specifically for this building, these will be charged to the applicant. To find out the applicable rates in effect or for more information, you can contact the respective customer services.

- Hydro-Québec: 1-800-472-5103
- Bell Canada: (819) 773-5515

4.3.2 Equipment rental in the communities

Equipment rental is encouraged within the community where construction work is being done. Please contact the Northern Village for information on the equipment available (description, manufacturer, model) as well as the hourly and weekly rental rates.

4.3.3 Archaeological sites

Known archaeological sites are usually indicated on the local and regional land use designation plans. Mitigation measures must be applied during construction work to avoid the destruction or damage of these sites.

If relics or artifacts are discovered during construction, all construction work must be suspended. The Ministère de la Culture et des Communications Québec and the Avataq Cultural Institute must be notified and the appropriate conservation measures taken before construction can resume.

4.4 Who issues what – a summary

The following table gives a summary of the authorizations given by each organization.

Organizations	Authorizations	Applicable fees
Northern Village	Development permit for projects in Category I Lands	Administration fees
	Authorization for extraction of natural material in Category I Lands	n/a
Landholding Corporation	Memorandum of Understanding with contractor for occupation and use of Category I Lands during construction	Rental fees for construction period ($2,500/month const.) ($1,500/month non-const.)
	Land Lease for occupation of Category I Lands	Administration and rental fees
	Rights to obtain gravel and other mineral from Category I lands	Rights to extract material ($2.50/metric ton)
Kativik Regional Government	Certificates of authorization for projects developed in Category II and III lands	n/a
Natural Resources and Wildlife Québec	Land Lease for projects in Category II a	
Environment Québec	Certificates of authorization for treatment of drinking water, waste water and water disposal	n/a
	Certificates of authorization for operation of a quarry or borrow pit	n/a
Natural Resources and Wildlife Québec	Land lease for projects in Category II and III Lands and in the Northern Villages of Puvirnituq and Ivujivik	Administration and rental fees
	Specific surveying instructions for all land surveying work carried out anywhere in Nunavik	n/a

5 Who to Contact?

For assistance filling out the application forms or for more information regarding construction in Nunavik, do not hesitate to contact:

Coordinator Nunavik Landholding Corporations Association
P.O. Box 179
Kuujjuaq, QC
J0M 1C0
Tel: (819) 964-2925
Fax: (819) 964-2613

Land Use Planner
Renewable Resources Department, Kativik Regional Government
P.O. Box 9
Kuujjuaq, QC, J0M 1C0
Tel: (819) 964-2961
Fax: (819) 964-0694
http://www.krg.ca or http://geoportal.krg.ca

For land leases in Category II and III lands:

For the region located to the east of meridian of longitude 76°:

Natural Resources and Wildlife Québec
Direction régionale de la gestion du territoire public
837, boulevard Sacré-Cœur
Saint-Félicien (Québec) G8K 1S6
Tel.: (418) 695-7877
Fax: (418) 695-8133

For the region located to the west of meridian of longitude 76°:

Natural Resources and Wildlife Québec
Direction régionale de la gestion du territoire public
1122, Route 111 Est
Amos (Québec) J9T 1N1
Tel.: (819) 444-5641
Fax: (819) 444-5837

A copy of the application form for a land lease can also be obtained through the web site:
http://www.mrnf.gouv.qc.ca/inc/territoire/droit/formulaire-utilisation-terres-etat.html

To obtain specific surveying instructions for all land surveying work carried out in Nunavik:

Office of the Surveyor General of Québec (Bureau de l'arpenteur général du Québec)
Natural Resources and Wildlife Québec (Ministère des Ressources naturelles et de la Faune)
Division des territoires autochtones et des frontières
5700, 4e Avenue Ouest, bureau F-310
Charlesbourg (Québec) G1H 6R1
Tel. (418) 627-6263
Fax: (418) 643-6512
E-mail: arpenteur.general@mrnfp.gouv.qc.ca

For more information concerning the Office of the Surveyor General of Québec (Bureau de l'arpenteur général du Québec), see the website at:

http://www.mrnf.gouv.qc.ca/foncier/arpentage/index.jsp

For more information on how to obtain claims and PEM, please contact:

Natural Resources and Wildlife Québec
Service des titres miniers
5700, 4e Avenue Ouest, C 408
Charlesbourg (Québec) G1H 6R1
Tel: (418) 627-6290
Toll free: 1 800 363-7233
Fax: (418) 643-9297
Email: developpement.mineral@mrnfp.gouv.qc.ca
or visit the Deaprtment's Web site at:

http://www.mrn.gouv.qc.ca/english/mines/index.jsp

For certificates of authorization:

Environment Québec
Ministère de l'Environnement du Québec
Direction régionale du Nord-du-Québec
180, boulevard Rideau, 1er étage
Rouyn-Noranda (Québec) J9X 1N9
Tel: (819) 763-3333
Fax: (819) 763-3202

For more information on Environment Québec's certificates of authorization, you can visit their Web site at:

http://www.menv.gouv.qc.ca/programmes/bilans/certif/index.htm

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For hook-ups to electricity and telephone networks, contact:

Hydro-Québec: 1-800-472-5103

Bell Canada: (819) 773-5515

For more information concerning archaeological sites, contact:

Avataq Cultural Institute
General Delivery
Inukjuak (Québec) J0M 1M0
avataq@avataq.qc.ca (general information)
severian@avataq.qc.ca (archaeology department)

Ministère de la Culture et des Communications
Direction Nord-du-Québec
19 rue Perreault Ouest, bureau 450
Rouyn-Noranda (Québec) J9X 6N5
Tel: (819) 763-3517
Fax: (819) 763-3382
dratnq@mcc.gouv.qc.ca

Contact information for each Northern Village for more information about local rates, services available, equipment for rent, human resources or other specific information about the community:

Municipal office	*Landholding Corporation*
Northern Village of Kangiqsualujjuaq P.O. Box 120, J0M 1N0 Tel: (819) 337-5271 Fax: (819) 337-5200	**Qiniqtiq LHC of Kangiqsualujjuaq** General Delivery, J0M 1N0 Tel: (819) 337-5449 Fax: (819) 337-5752
Northern Village of Kuujjuaq P.O. Box 210, J0M 1C0 Tel: (819) 964-2943 Fax: (819) 964-2980	**Nayumivik LHC of Kuujjuaq** P.O. Box 209, J0M 1C0 Tel: (819) 964-2870 Fax: (819) 964-2280
Northern Village of Tasiujaq P.O. Box 54, J0M 1T0 Tel: (819) 633-9924 Fax: (819) 633-5026	**Arqivik LHC of Tasiujaq** P.O. Box 52, J0M 1T0 Tel: (819) 633-5464 Fax: (819) 633-5655
Northern Village of Aupaluk P.O. Box 6, J0M 1X0 Tel: (819) 491-7070 Fax: (819) 491-7035	**Nunavik LHC of Aupaluk** General Delivery, J0M 1X0 Tel: (819) 491-7075 Fax: (819) 491-7035
Northern Village of Kangirsuk P.O. Box 90, J0M 1A0 Tel: (819) 935-4388 Fax: (819) 935-4287	**Saputik LHC of Kangirsuk** P.O. Box 119, J0M 1A0 Tel: (819) 935-4269 Fax: (819) 935-4440
Northern Village of Quaqtaq P.O. Box 107, J0M 1J0 Tel: (819) 492-9912 Fax: (819) 492-9935	**Tuvaaluk LHC of Quaqtaq** P.O. Box 102, J0M 1J0 Tel: (819) 492-9281 Fax: (819) 492-9302
Northern Village of Kangiqsujuaq P.O. Box 60, J0M 1K0 Tel: (819) 338-3342 Fax: (819) 338-3237	**Nunaturlik LHC of Kangiqsujuaq** P.O. Box 39, J0M 1K0 Tel: (819) 338-3368 Fax: (819) 338-1071

Northern Village of Salluit
P.O. Box 240, J0M 1S0
Tel: (819) 255-8953
Fax: (819) 255-8802

Qaqqalik LHC of Salluit
P.O. Box 30, J0M 1S0
Tel: (819) 255-8908
Fax: (819) 255-8864

Northern Village of Ivujivik
P.O. Box 20, J0M 1H0
Tel: (819) 922-9940
Fax: (819) 922-3045

Northern Village of Akulivik
P.O. Box 61, J0M 1V0
Tel: (819) 496-2222
Fax: (819) 496-2200

Qekeirriaq LHC of Akulivik
P.O. Box 18, J0M 1V0
Tel: (819) 496-2640
Fax: (819) 496-2629

Northern Village of Puvirnituq
P.O. Box 150, J0M 1P0
Tel: (819) 988-2825
Fax: (819) 988-2751

Northern Village of Inukjuak
P.O. Box 234, J0M 1M0
Tel: (819) 254-8845
Fax: (819) 254-8779

Pituvik LHC of Inukjuak
P.O. Box 285, J0M 1M0
Tel: (819) 254-8101
Fax: (819) 254-8252

Northern Village of Umiujaq
P.O. Box 108, J0M 1Y0
Tel: (819) 331-7000
Fax: (819) 331-7057

Sakkuq LHC of Umiujaq
P.O. Box 34, J0M 1Y0
Tel: (819) 331-7831
Fax: (819) 331-7832

Northern Village of Kuujjuaraapik
P.O. Box 360, J0M 1G0
Tel: (819) 929-3360
Fax: (819) 929-3453

Sakkuq LHC of Kuujjuaraapik
P.O. Box 270, J0M 1G0
Tel: (819) 929-3348
Fax: (819) 929-3275

APPENDIX 1

LAND SURVEYING

The following outline information is given as a complement to Section 4.1.1. It is nevertheless essential to contact the Office of the Surveyor General of Québec to obtain specific surveying instructions at least 30 days before beginning work on site. The application must have been made before any survey documents can be filed at the Clerk's Office of the Surveyor General of Québec.

- The survey plan must show the site (lot) where the construction will be located, with its boundaries, measurements, area and adjacent lots. The survey plan must be filed at the Clerk's Office of the Surveyor General of Québec.
- The Clerk's Office of the Surveyor General of Québec is the only official service point for the filing of land survey documents. The office maintains a public registery open to all. Only the Office of the Surveyor General is authorized to issue certified copies of documents filed at the Clerk's Office. It is important to note that land surveyors do not have to pay any fees to receive specific surveying instructions.
- Once a document has been filed at the Clerk's Office of the Surveyor General of Québec, the Office of the Surveyor General will send a certified copy of the document to the KRG Land Use Planner and to the concerned LHC.
- Other types of private survey work, carried out by a land surveyor for a client, do not need to be filed at the Clerk's Office of the Surveyor General of Québec if they do not establish or change a subdivision into lots (such as a certificate of localization). However, a certified copy of the document and a digital file must be forwarded by the land surveyor to the Office of the Surveyor General of Québec in order to include this data in the compiled survey map of the villages produced by the Native lands and boundaries division of the Office of the Surveyor General of Québec.